



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, DECEMBER 9, 1999**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 9, 1999, in the City Council Chambers, at 307 West Second Street, for the following purposes:

Mayor Watson called the meeting to order at 9:30 a.m.

BRIEFINGS

1. Construction mobility plan for City Hall/Computer Sciences Corporation construction projects (six-block area in vicinity of current Municipal Annex)
The presentation was given by Peter Reick, Director of Public Works and Transportation; Nathan Schneider, and Mike McInturff, from WHM Engineering.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Executive session was held at 10:44 a.m.

All executive items were discussed later in the meeting.

Executive Session ended at 2:05 p.m.

1:30 LIVE MUSIC: Ruben Ramos

INVOCATION – Rev. Beverly Lawson, Congregational Church of Austin

Minutes

14. Approval of minutes for regular meeting of December 2, 1999
This item was postponed at the request of Council.

CITIZEN COMMUNICATIONS: GENERAL

15. Gus Peña
16. John Corry – Change parking lot plans to use grass permitting cinder block surface.
17. Gavino Fernandez – Holly Power Plant
18. Charles Waits
19. Jennifer L. Gale – Official Announcement: Candidate for The United States House of Representative District 10
20. Barbara Epstein – Neighborhood Planning

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

Items 21 through 23 were pulled for discussion.

24. Amend Ordinance No. 990914-1, the 1999-2000 Operating Budget amending the General Fund by increasing budgeted expenditures in the Library Department by \$154,187 and adding one FTE and decreasing the contingency reserve by \$154,187. (Funding is available in the 1999-2000 General Fund Contingency Reserve Fund.) **(Related Item #25)**
Ordinance No. 991209-24 was approved.
25. Approve a resolution authorizing negotiation and execution of a 12-month lease renewal with MICHAEL KUHN, Austin, Texas, for 30,442 square feet of office and warehouse space located at 211 E. Alpine Street for the Austin Records Center, in an amount not to exceed of \$164,386.80. (Funding in an amount of \$123,290.10 is available in the Fiscal Year 1999-2000 Operating Budget for the Library Department. Funding for the remaining three months of the contract is contingent upon available funding in the Fiscal Year 2000-2001 Operating Budget for the Library Department.) **(Related to Item #24)**
Resolution No. 991209-25 was approved.

Items 26 was pulled for discussion in Executive Session.

Item 27 was pulled for discussion.

28. Declare official intent to reimburse acquisition and construction costs in the amount of \$565,886 to be paid for developer reimbursements related to 1997 municipal utility district annexations. (Funding in an amount of \$565,886 for the Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water and Wastewater Commission)
Resolution No. 991209-28 was approved.

29. Amend Ordinance No. 990913-2, the 1999-2000 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$565,886 and creating a new wastewater project known as "Spicewood Associates Wastewater Reimbursement." (Funding in an amount of \$565,886 for Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water and Wastewater Commission)
Ordinance No. 991209-29 was approved.
30. Approve a resolution authorizing the City Manager to negotiate and execute the renewal of the contract between the City of Austin and the City of Rollingwood for the provision of wholesale water service. (Requires no City of Austin expenditures. Rollingwood will fund and construct any future facilities.)
Resolution No. 991209-30 was approved.
31. Approve a resolution authorizing the City Manager to negotiate and execute an interlocal agreement with the North Austin Municipal Utility District No. 1 for Pass-Through Wastewater Service to the Indian Oaks Subdivision, a portion of the East US 183 area annexed into the City in December, 1997. (The agreement requires a City payment of "in-kind" TV Inspection services to the MUD, in an amount of \$52,120, which will come from the Utility 1990-2000 Operating Budget.) (Recommended by Water and Wastewater Commission)
Resolution No. 991209-31 was approved.
32. Approve a resolution authorizing negotiation and execution of a professional services agreement with CARTER BURGESS, INC., Austin, Texas, for preliminary evaluation, design and construction phase services for the Thousand Oaks Interceptor, for an amount not to exceed \$600,000. (Funding is available in the 1999-2000 Amended Capital Budget of the Water & Wastewater Utility.) 8.80% MBE and 19% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)
Resolution No. 991209-32 was approved.
33. Approve a resolution authorizing execution of Change Order No. 3 to the construction contract with AUSTIN FILTER SYSTEMS, Austin, Texas, for a water line extension to the Anderson Mill Transmission Main Phase III Project, increasing the contract in the amount of \$97,119, for a total contract amount not to exceed \$1,130,840. (Funding in an amount of \$97,119 is included in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility.) 6.86% MBE, 3.15% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 991209-33 was approved.

Items 34 and 35 were pulled for discussion.

36. Approve a resolution authorizing negotiation and execution of a professional services agreement with THE GOODMAN CORPORATION, Houston, Texas, for the development of a methodology and implementation for corridor planning study, in an amount not to exceed \$125,000. (Funding was included in the 1999-2000 Amended Operating Budget of Planning, Environmental & Conservation Services Department.)
Resolution No. 991209-36 was approved.

37. Approve a resolution authorizing negotiation and execution of a professional services agreement with CARTER & BURGESS, INC., Austin, Texas, to provide architectural programming services for the development of a new City Hall and landscaped public plaza, in an amount not to exceed \$100,000. (Funding is available in the 1998-1999 Amended Capital Budget of the Department of Public Works & Transportation.) Best of eleven qualifications. 8.6% MBE, 18.2% WBE subcontracting participation.

Resolution No. 991209-37 was approved.

38. Approve a resolution authorizing execution of construction contract with SOUTHWEST CONSTRUCTOR'S INC., Austin, Texas, for Americans with Disabilities Act (ADA) Improvements to the Austin Police Department's Headquarters Building and Patrol Building, located at 715 I Low bid of three. 16.46% MBE, .61% WBE subcontracting participation.

Resolution No. 991209-38 was approved.

39. Approve a resolution authorizing execution of construction contract with PRIMESTORE, INC., Georgetown, Texas, for lobby expansion and American with Disabilities Act (ADA) improvements at the Municipal Court Building, located at 700 East Seventh Street, in the amount of \$299,186. (Funding was included in the 1998-1999 Amended Capital Budget of the Public Works & Transportation Department.) Low bid of two. 7.34% MBE, 0% WBE subcontracting participation.

Resolution No. 991209-39 was approved.

40. Approve a resolution authorizing negotiation and execution of an interlocal agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY for the City to provide design and management services for repairs at railroad crossings within the city limits. (Funding in an amount of \$2,740,000 was included in the 1999-2000 Capital Budget of the Public Works Department.)

Resolution No. 991209-40 was approved.

41. Approve a resolution authorizing negotiation and execution of a contract for the acquisition of approximately 10.74 acres along Onion Creek adjacent to parkland known as the Holloway Tract from PHILIP GARRETT AND SANDRA GARRETT for park and recreational purposes, in an amount not to exceed \$75,000. (Funding is included in the 1991-1992 Amended Capital Budget of the Parks and Recreation Department.)

Resolution No. 991209-41 was approved.

Item 42 was set for time certain at 6:30 p.m.

Item 43 was set for time certain at 6:15 p.m.

44. C14-99-0085 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3102 State Highway 71 East, from CS, General Commercial Services District to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. First reading on August 26, 1999; Vote 7-0. Applicant: Kenny Dryden Investments (Kenny Dryden); Agent: The Faust Group (Bill Faust). City Staff: Joe Arriaga, 499-2308. (continued from 10/7/99)

The second reading of this ordinance was approved.

Item 45 was pulled for discussion.

46. C14-99-2088 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4001 Island Knoll Drive Island, from LA, Lake Austin District to SF-1-CO, Single Family Residence (Large Lot)-Conditional Overlay Combining District zoning with conditions. First reading on November 18, 1999; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: City of Austin; Agent, Development Review and Inspection Department. Owner: Michael H. and Barbara Neufeld. City Staff: Ellen Meadows, 499-2339.

Ordinance No. 991209-46 was approved.

Item 47 was reconsidered later in the meeting.

48. Amend Ordinance No. 990913-7, by establishing the classifications and positions in the classified service of the Austin Police Department. (Funding in an amount of \$42,934 for the requested change is available from higher than expected vacancy savings in the Approved Fiscal Year 2000 Operating Budget for the Austin Police Department.

Ordinance No. 991209-48 was approved.

49. Approve a resolution authorizing execution of an amendment to the legal services contract with Bettye Springer of Haynes & Boone, L.L.P, Fort Worth, Texas, for representation in the 1999 labor negotiations with the Austin Professional Firefighters Association, in an amount of \$11,000, for a total contract amount not to exceed \$50,000. (Funding in an amount of \$11,000 is available in the 1999-2000 Approved Operating Budget of the Austin Fire Department.)

Resolution No. 991209-49 was approved.

50. Approve a resolution authorizing execution of an amendment to the legal services contract with Vinson & Elkins L.L.P., Austin, Texas, to represent the City of Austin v. Austin Airmotive, Ltd., et al, in an amount of \$210,000, for a total contract amount not to exceed \$290,000. (Funding is available in the 1999-2000 Approved Capital Budget of the Department of Aviation.)

Resolution No. 991209-50 was approved.

Item 51 was pulled for discussion.

52. Approve the issuance of ABIA Development Corporation of Airport Facilities Revenue Bonds (Aero Austin, LP Project) Series 1999, in an amount not to exceed \$6,000,000. (No fiscal impact on the City. The bonds are not debts to the City and are the sole obligation of the corporation. The bonds are repaid from revenue generated by the facilities constructed.)

Resolution No. 991209-52 was approved.

DISCUSSION ITEMS

22. Amend Ordinance No. 990914-1, the 1999-2000 Operating Budget for the General Fund by transferring \$2,865,745 from Fire Meet and Confer to the Austin Fire Department to fund the remaining costs of the meet and confer contract. **(Related to Item # 23)**
Ordinance No. 991209-22 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.
23. Ratify the Meet and Confer Contract for Austin Firefighters. (Funding in an amount of \$4,263,053 is available in the 1999-2000 Amended Operating Budget of the Fire Department, \$9,401,339 will be included in the proposed 2000-2001 Operating Budget of the Fire Department, \$13,165,353 will be included in the proposed 2001-2002 Operating Budget of the Fire Department, \$125,000 will be included in the proposed 2002-2003 Operating Budget of the Fire Department. Funding in Fiscal Years 2000-2001 through 2002-2003 is subject to appropriation by City Council.) **(Related to Item # 22)**
Resolution No. 991209-23 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

The motion to recess the Council meeting at 2:43 p.m. and go into Executive Session was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

Personnel Matters - Section 551.074

2. Discuss the performance and compensation and benefits package paid to the City Manager.

Private Consultation with Attorney - Section 551.071

3. Discuss *Acker v. COA*, Cause No. 97-03890, in Travis County District Court.
4. Discuss *Irene H. Sandahl, et.al., v. City of Austin and Oak Cliff Financial Corporation, Inc.*, Cause No. 98-13530, Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
5. Discuss legal issues related to the November 1, 1999, Notice of Intent to Sue for Violations of the Clean Water Act and Endangered Species Act delivered to the City of Austin by the Save Our Springs Alliance.
6. Discuss *City of Austin v. L.S. Ranch Ltd., et al.*, Cause No. 039800542-CV, in the Third Court of Appeals, Austin, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
7. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
8. Discuss legal issues related to Chapter 245 of the Local Government Code.

9. Discuss legal issues regarding the City of Austin Minority and Women-Owned Business Enterprise Program.

Real Property - Section 551.072

10. Discuss real property acquisition for the Barton Springs Clean Drinking Water Project (May 2, 1998 Election, Proposition Two).

Item 26 was also discussed in Executive Session.

Executive Session ended at 5:15 p.m.

DISCUSSION ITEMS CONTINUED

34. Approve a resolution adopting the Three-Year Municipal Annexation Plan to be effective December 31, 1999.

Resolution No. 991209-34 was approved on Council Member Garcia's motion, Mayor Watson's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Lewis were off the dais.

47. C14-99-2092 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2701 Island Ledge Cove, from LA, Lake Austin District to SF-1-CO, Single Family Residence (Large Lot)-Conditional Overlay Combining District zoning with conditions. First reading on November 18, 1999; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: City of Austin; Agent, Development Review and Inspection Department. Property Owner: Owner: Howard & Jane Parker. City Staff: Ellen Meadows, 499-2339.

Ordinance No. 991209-47 was approved.

A motion to reconsider this item was approved on Council Member Griffith's motion, Mayor Watson's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

Ordinance No. 991209-47 was approved on an emergency basis on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

11. Consider a compensation and benefits package for the City Manager.
Resolution No. 991209-11 approved compensation for the City Manager of \$171,000 base pay with the same benefits package on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 5-2 vote. Council Members Griffith and Lewis voted no.

ACTION ON EXECUTIVE SESSION ITEMS

13. Consider a settlement proposal in *Travis County Emergency Services District 4 v. City of Austin*, Cause No. 98-07880, in the Travis County District Court, in the amount of \$77,500 to be paid by the City.

A motion to consider a settlement in the amount of \$77,500 was approved on Council Member Lewis' motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

A motion to recess the Council meeting at 5:34 p.m. was approved on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

A Board meeting of the ABIA Development Corporation Board was called to order at 5:35 p.m. Item No. 53 is the ABIA Development Corporation's item considered by the ABIA Development Corporation Board of Directors.

53. Authorize the issuance of ABIA Development Corporation of Airport Facilities Revenue Bonds (Aero Austin, LP Project) Series 1999, in an amount not to exceed \$6,000,000.
Resolution No. 991209-53 was approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

A motion to adjourn the ABIA Board Meeting and reconvene the Council meeting was approved on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

The Council meeting was reconvened at 5:43 p.m.

DISCUSSION ITEMS

21. Consider City Council meeting schedule for the Year 2000.
This item was postponed to December 16, 1999 at the request of the staff.
51. Authorize the City Manager to negotiate and execute an earnest money contract with Brown Distributing Company, Inc., et al., to purchase the property located at 411 Chicon Street in Austin, Texas
Resolution No. 991209-51 was approved with the flexibility of a refundable earnest money contract. This means that if the property has some problems that we need to address, then the City would be able to get a refund on the earnest money through January 31, 2000. This would give the City enough time to do all the due diligence work that needs to be done.

CONSENT ZONING ITEMS

All of the following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and the consent items were approved on Council Member Spelman's motion, Council Member Lewis' second by a 7-0 vote.

55. C14-98-0211 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 10801 Old San Antonio Road from I-RR, Interim-Rural Residence District to CS, General Commercial Services District zoning. Planning Commission Recommendation: To Grant DR, Development Reserve District zoning. Applicant: Dawn Janssen. Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.

This item was withdrawn.

56. C14-99-0027 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 13820-14012 FM 620 North, 13912-14016 & 13801-14017 Tom Kemp Lane, 9220-9238 Parmer Lane, 13642-13816 FM 620 North, 13800-13814 & 13900-13910 Tom Kemp Lane (Lake Creek) from I-RR, Interim Rural Residence District, DR, Development Reserve District, SF-2, Single Family Residence (Standard Lot) District and GR-CO”, Community Commercial-Conditional Overlay Combining District to GR Community Commercial District. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions for Tract 1, and GO-CO General Office-Conditional Overlay Combining District zoning with conditions for Tract 2. Applicant: PAR 620 Ltd. (Gary Brown), GH-620 Limited (Gary Hills Trustee) and David Bruce Smith. City Staff: David Wahlgren, 499-6455. (continued from 5/13/99, 7/15/99, and 11/18/99)

This item was postponed to February 10, 2000 at the request of the applicant.

57. C14-98-0248 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 11300-11314 Pecan Park Boulevard from MF-3, Multifamily Residence (Medium Density) District to GR, Community Commercial District zoning. Planning Commission Recommendation: To Grant GR, Community Commercial District zoning. Applicant: TS-SD II, LTD (Gary Brown). City Staff: David Wahlgren, 499-6455. (continued from 5/13/99, 5/20/99, 6/3/99, 7/22/99, 9/9/99 and 11/18/99)

The first reading of this ordinance was approved.

58. C14-98-0251 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 13608-13640 and 13820-14012 FM 620 North, 13912-14016 and 13801-14017 Tom Kemp Lane, 9220-9238 Parmer Lane from I-RR, Interim-Rural Residence District, SF-2, Single Family Residence (Standard Lot) District to MF-3, Multifamily Residence (Medium Density) District. Planning Commission Recommendation: To Grant MF-3, Multifamily Residence (Medium Density) District zoning with conditions. Applicant: PAR 620 Ltd. (Gary Brown), GH-620 Limited (Gary Hills Trustee) and David Bruce Smith. City Staff: David Wahlgren, 499-6455. (continued from 5/13/99, 5/20/99, 6/3/99, 7/22/99 and 9/9/99, and 11/18/99)

The first reading of this ordinance was approved.

59. C14-98-0255 – Public hearing to amend Title 25 of the Austin City Code by zoning property locally known as 10101-10125 Lake Creek Parkway and 12905-13037 Hymeadow Drive from I-RR, Interim-Rural Residence and SF-2, Single Family Residence (Standard Lot) District to LO, Limited Office District. Planning Commission Recommendation: To Grant LO, Limited Office District zoning for Tract 1, NO-CO, Neighborhood Office-Conditional Overlay Combining District zoning with conditions for Tract 2 and RR, Rural Residence District zoning for any area located in the 100 year flood plain. Applicant: Christianna Ltd. (Gary Brown). City Staff: David Wahlgren, 499-6455. (continued from 7/22/99, 9/9/99, and 11/18/99)

This item was postponed to February 10, 2000.

60. C14-99-0100 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6601 South 1st Street from GR, Community Commercial District

zoning to CS, General Commercial Services District zoning. Planning Commission Recommendation: To Grant W/LO, Warehouse-Limited Office District. Applicant: Jessie B. Anderson; Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.

The first reading of this ordinance was approved.

61. C14-99-0118 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 4415-4537 South IH-35 from GR, Community Commercial District zoning to CS-1, Commercial-Liquor Sales District zoning. Planning Commission Recommendation: To Grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining District zoning with conditions. Applicant: Whitco Industries, Inc. (Carol Ann Bowman); Agent: Armburst, Brown & Davis, LLP (David B. Armbrust). City Staff: Joe Arriaga, 499-2308.

Ordinance No. 991209-61 was approved on a 6-0 vote. Mayor Pro Tem Goodman voted no.

62. C14-99-0131 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2103 Manana Street from LA, Lake Austin residence District to “SF-2”, Single-Family Residence (Standard Lot) District zoning. Planning Commission Recommendation: To Grant SF-2, Single-Family Residence (Standard Lot) District zoning. Applicant: Darden and Ann McFarlin. City Staff: David Wahlgren, 499-6455.

Ordinance No. 991209-62 was approved.

63. C14-99-0135 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 636 Ralph Ablanado Drive from SF-2, Single-Family Residence (Standard Lot) District to LI, Limited Industrial Service District zoning. Planning Commission Recommendation: To Grant W/LO-CO, Warehouse-Limited Office-Conditional Overlay Combining District zoning with conditions. Applicant: Rolando A. Jaimes; Agent: DST Realty (Margaret “Maggy” S. Trevino). City Staff: Joe Arriaga, 499-2308.

The first reading of this ordinance was approved.

64. C14-99-0138 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 802 San Antonio Street from MF-4, Multifamily Residence (Moderate-High Density) District to DMU, Downtown Mixed Use District zoning. Planning Commission Recommendation: To Grant DMU-CO, Downtown Mixed Use-Conditional Overlay Combining District zoning with conditions. Applicant: Micheal & Robert McGinnis; Agent: Crocker Consultants (Sara Crocker) City Staff: Katie Larsen, 499-3072.

Ordinance No. 991209-64 was approved.

65. C14-99-2001 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 8603 Cullen Lane, 201 Ralph Alblanado Drive and 8530 South Congress Avenue from CS-CO, General Commercial Services-Conditional Overlay Combining District zoning to CS, General Commercial Services District zoning. Planning Commission Recommendation: To Grant CS-CO, General Commercial Services-Conditional Overlay Combining District with conditions. Applicant: Rhodes/Congress Avenue, Ltd. (D.E.Rhodes); Agent: Dunagan Weichert Associates (Glenn K. Weichert). City Staff: Joe Arriaga, 499-2308.

Ordinance No. 991209-65 was approved.

66. C14-99-2006 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1905 Matthews Lane from SF-3, Family Residence District zoning to LO, Limited Office District zoning. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions. Applicant: Allen Sonstein; Agent: Joe Frantz. City Staff: Joe Arriaga, 499-2308.
Ordinance No. 991209-66 was approved.
67. C14-99-2007 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 8916 Cullen Lane from I-RR, Interim-Rural Residence District to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions for Tract 1 and LO, Limited Office District zoning for Tract 2. Planning Commission Recommendation: To Grant W/LO-CO, Warehouse-Limited Office-Conditional Overlay Combining District zoning with conditions. Applicant: Thomas W. Nabors; Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.
The first reading of this ordinance was approved.
68. C14-99-2010 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3601 Parmer Lane from LO, Limited Office District zoning to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. Planning Commission Recommendation: To Deny CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. Applicant: James W. Yett, Jr.; Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.
This item was postponed to February 10, 2000 at the request of the applicant.
69. C14-99-2013 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6911 U.S. Highway 290 West from DR, Development Reserve District zoning to GR, Community Commercial District zoning. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay Combining District zoning with conditions for Tract 1 and GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions for Tract 2 (footprint only). Applicant: Don A. Stewart; Agent: Brown McCarroll & Oaks Hartline (Jerry L. Harris). City Staff: Joe Arriaga, 499-2308.
The first reading of this ordinance was approved.
70. C14-99-2022 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located on Old Bee Caves Road from I-RR, Interim-Rural Residence District to RR, Rural Residence District zoning. Planning Commission Recommendation: To Grant RR, Rural Residence District zoning. Applicant: City of Austin; Agent: Development Review and Inspection Department. Property Owners: Donald Kelldorf, Eltis, Ron McGuire Construction, and Palmer Grant City Staff: Adam Smith, 499-2755.
Ordinance No. 991209-70 was approved.
71. C14-99-2030 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2406 & 2408 US Highway 183 South from DR Development Reserve District zoning to CS, General Commercial Services District zoning. Planning Commission Recommendation: To Grant CS-CO, General Commercial Services-Conditional

Overlay Combining District zoning with conditions. Applicant: Out Source Creative (Roland Hernandez). City Staff: Joe Arriaga, 499-2308.

The first reading of this ordinance was approved.

72. C14-99-2031 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700 Suburban Drive from SF-3, Family Residence zoning to P, Public District zoning. Planning Commission Recommendation: To Grant P, Public District zoning. Applicant: City of Austin, Parks & Recreation Department (Sarah E. Campbell). City Staff: Joe Arriaga, 499-2308.

The first reading of this ordinance was approved.

73. C814-95-0002.01 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 7301 RR 620 North from PUD, Planned Unit Development District zoning to PUD, Planned Unit Development District zoning. Planning Commission Recommendation: To Grant PUD, Planned Unit Development District zoning. Applicant: Twin Liquors (David Jabour); Agent: Austin Permit Service, Inc. (Melissa Whaley). City Staff: Clark Patterson, 499-2464.

The first reading of this ordinance was approved.

DISCUSSION ZONING ITEMS

54. C814-84-028.04 – Vista Ridge PUD - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 750 feet North of the intersection of Ladera Norte & Valburn Drive from PUD, Planned Unit Development district zoning to PUD, Planned Unit Development district zoning. Planning Commission Recommendation: To Grant PUD, Planned Unit Development district zoning. Applicant: Austin Two Tracts, L.P. (Mike Pruitt); Agent: Turner Collie & Braden, Inc. (Keith Young). City Staff: Jerry Rusthoven, 499-2741. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 7/29/99, 8/26/99 and 11/18/99)

This item was postponed to December 16, 1999 at 9:00 a.m. at the request of the Council on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Lewis was off the dais.

DISCUSSION ITEMS CONTINUED

26. Approve a resolution authorizing fee simple acquisition of 1.52 acres described as Lot D, Block , Allandale Place, Section Two, Travis County, Texas, known locally as 2505 Steck Avenue, from 2505 INTEREST I, L. P., for the North Village Branch Library Project, in the amount of \$536,500. (Funding is included in the 1999-2000 Approved Capital Budget of the Library Department.)

Resolution No. 991202-26 was approved on Mayor Pro Tem Goodman's motion, Council Member Spelman's second by a 5-0 vote. Council Members Garcia and Lewis were off the dais.

27. Amend interim ordinance No. 990408-28, establishing an interim policy for the approval of water and wastewater service extension requests, by extending the expiration date from January 1, 2000 to January 1, 2001. (Recommended by Water and Wastewater Commission)

Ordinance No. 991209-27 was approved with direction to the City Manager to report back to Council in six months on Council Member Spelman's motion, Mayor Watson's second by a 6-0 vote. Council Member Garcia was off the dais.

PUBLIC HEARINGS

75. Conduct a public hearing on the proposed limited purpose annexation of the 1,630 acre Avery Ranch tract, located approximately 1.5 miles north of the intersection of FM 620 and Parmer Lane.

The public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Garcia was off the dais.

76. Conduct a public hearing on the Austin Downtown Public Improvement District (PID) 2000 assessments. The 2000 assessment rate, set at \$0.10/\$100 valuation is estimated to produce \$1,111,649 at a 99% collection rate.

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second by a 6-0 vote. Council Member Garcia was off the dais.

79. Approve an ordinance levying assessments for Calendar Year 2000 for property in the Austin Downtown Public Improvement District and repealing City Code Chapter 5-9.

Ordinance No. 991209-79 was approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Garcia was off the dais.

35. Amend Ordinance No. 9909140-1, the 1999-2000 Operating Budget for Planning, Environmental and Conservation Services Department Special Revenue Fund, increasing revenue by \$1,300,753 and appropriations by \$1,200,753 for the Austin Downtown Public Improvement District (PID). (Funding is available from \$1,111,649 in year 2000 assessments based on a 99% collection rate; \$39,104 from interest accrued in the PID account; A City of Austin Annual Contribution of \$75,000 from Austin Convention Center Fund, and \$75,000 from Water and Wastewater Utility Funds; and potential adjustment, after the assessment roll hearing on December 9, 1999)

Ordinance No. 991209-35 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Garcia was off the dais.

77. Conduct a public hearing on the proposed amendment to the City of Austin's Citizen Participation Plan, which is required by certain federal community planning and development programs.

The public hearing was closed on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Council Member Slusher was off the dais.

78. Conduct a public hearing on a proposal concerning development of certain land in southwest Travis County and northern Hays County (including Circle C West, Spillar Ranch, Pfluger Ranch, and other properties) and settlement of related litigation. (proposed Bradley Settlement)

The public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 4-0 vote. Mayor Watson, Mayor Pro Tem Goodman and Council Member Spelman were off the dais.

42. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA), Austin, Texas, for Phase 2 design and Phase 3 construction management engineering services for the Crystal Brook Flood Control Project, in the amount of \$1,124,600 plus \$112,460 contingency, for a total contract amount not to exceed \$1,401,233. (Funding in an amount of \$1,237,060 is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.) 60.3% MBE Prime; 5.3% MBE; 29.4% WBE subcontracting participation. (Environmental Board Review – 10/20/99)

The motion was made to deny the Planning Commission recommendation, until they can get better costs on Council Member Lewis' motion, Council Member Spelman's second

The motion was withdrawn.

The motion to postpone for 90 days by Council Member Lewis. The motion was withdrawn.

Resolution No. 991209-42 was approved with an amendment to allow for \$50,000 to amend the Chan contract to get better data on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote. Council Member Griffith made a friendly amendment to get data on air circulation, impact on property values and impact on the seven houses closest to the structure. The friendly amendment was accepted by Council Member Lewis the maker of the motion and Council Member Spelman who made the second.

The motion to suspend the rules and continue the meeting past 10:00 p.m. was approved on Council Member Spelman's motion, Council Member Slusher's second by a 7-0 vote.

43. C14-99-0069 - Gotham Condominium - Approve second/third readings of an ordinance amending Chapter 25-2 by rezoning property locally known as 200-210 South Congress Avenue from LI, Limited Industrial Service District zoning to LI-PDA, Limited Industrial Service-Planned Development Area Combining District zoning with conditions. First reading on September 30, 1999; Vote: 5-2, Slusher and Griffith nay. Conditions met as follows: Ordinance incorporates the conditions imposed by Council at first reading. Applicant: HIXO, Inc. (Michael Hicks, President); Agent: Crocker Consultants (Sarah Crocker). City Staff: Susan Villarreal, 499-6319. (continued from 11/18/99)

There was a motion to deny the zoning direction to the City Manager to start a new overlay process by March 15, 2000 made by Council Member Griffith, and seconded by Council Member Lewis. No vote was taken.

The substitute motion made by Mayor Pro Tem Goodman to postpone this item indefinitely to allow a process to discuss the existing overlay improve its codification

was seconded by Council Member Garcia and was approved on a 4-3 vote. Council Members Griffith, Lewis and Slusher voted no.

45. C14-99-0210 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9808 South IH-35 Service Road Southbound, from I-RR, Interim Rural Residence District to GR, Community Commercial District. First reading on October 7, 1999; Vote 4-0, Watson, Garcia and Lewis off the dais. Applicant: Dawn Janssen; Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.

A motion was made by Council Member Spelman that this lot be zoned CS-CO with GR development restrictions. This allows a truck stop and all other GR uses on this lot, as well. Council Member Garcia made the second and it was approved on a 7-0 vote.

A motion to recess the Council meeting at 11:15 p.m. and go into Executive Session was approved on Council Member Spelman's motion, on Council Member Griffith's second by a 7-0 vote

12. Authorize negotiation and execution of contract to purchase 70.29 acres from CCNG DEVELOPMENT COMPANY, L.P., for the May 2, 1998 Proposition 2 Barton Springs Clean Drinking Water Program. (Funding is included in the 1997-1998 Amended Capital Budget of the Water and Wastewater Utility.)

This item was pulled from the agenda.

74. Approve a resolution authorizing the City Manager to authorize funding for a Professional Peer Review of Transportation and Mobility needs of Central Texas. (Mayor Kirk Watson)

This item was pulled from the agenda.

ADJOURNED at 12:35 a.m. on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

The minutes for the Regular Meetings of December 2, 1999 and December 9, 1999 were approved on this the 16th day of December, 1999 on Council Member Lewis' motion, Council Member Spelman's second by a 4-0 vote. Mayor Pro Tem Goodman, Council Members Garcia and Slusher were off the dais.